

# **MINUTES**

## **Montana Fish and Wildlife Commission Meeting**

### **FWP Headquarters**

### **Teleconference**

**1420 East 6<sup>th</sup> Avenue; Helena, MT**

**August 29, 2013**

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker, Vice-Chairman,  
Matthew Tourtlotte, Larry Wetsit, Gary Wolfe (all via teleph1)

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director and FWP Staff.

Guests: August 29, 2013 - See Commission file folder for sign-in sheet.

#### **Topics of Discussion:**

1. Call to Order - Pledge of Allegiance
2. Approval of Minutes of August 8, 2013 Commission Meeting
3. Commission Reports
4. Director's Report
5. Water Supply Update
6. Future Fisheries Improvement Projects - Summer 2013 Funding Cycle – Final
7. 2013 Late Season Migratory Bird Regulations – Final
8. CSKT Waterfowl Regulations – Final
9. Bighorn Sheep Research Capture and Removal – Final
10. Partial Assignment of Sourdough Creek Conservation Easement – Final
11. Public Comment – For Issues Not On This Agenda

**1. Call to Order - Pledge of Allegiance**

Chairman Vermillion called the meeting to order at 8:32 a.m. and led the Pledge of Allegiance.

**2. Approval of the Commission Meeting Minutes of August 8, 2013**

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion to approve the August 8, 2013 minutes. Motion carried.***

**3. Commission Reports**

Commissioner Wolfe reported a lot of hoot owl closures in Region 2; recently reopened the Clark Fork River; rivers are cooling down; approved early season game damage hunts in Region 1 and 2; Randy Arnold has been selected as the new Region 2 Supervisor; attended a Region 2 Citizen Advisory Committee (CAC) meeting, well attended meeting; attended the Tri-State meeting, looked at common issues the three states will be dealing with over the next few months; attended Ravalli County Fish and Wildlife Association meeting, great opportunity to meet active sportsman in Ravalli County. Stated a letter has been drafted and submitted to Director Hagener regarding the speed limit change on Highway 93.

Commissioner Stuker reported Tom Flowers has been selected as the new Region 6 supervisor; attended the FWP-Tribal hunting meeting, a lot of information and interesting conversations; commended Mike Volesky and Pat Flowers for keeping the meeting in order.

Commissioner Tourtlotte reported the District is hot and dry; some river and stream closures.

Chairman Vermillion reported he has been receiving a lot of correspondence regarding the collared wolf that was killed north of Yellowstone Park, asking to use the depredation towards the quota in this area; explained livestock depredation does not count towards the quota. Approved game damage hunts; primary focus is making sure the regional public access component is met by the landowner. Working with the Fisheries

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Division on a formal illegal introduction policy; will put out for public comment after the October meeting. Commended the Department for reaching an agreement and transferring the bison to Fort Belknap; important step for the Tribal members having them back on the limited landscape.

Commissioner Wetsit reported he attended the Tribal State Bison Management meeting in Missoula; very informative; spoke with Tribe representatives and they are impressed and content in working with the Department and the Commission; strong feelings on both sides. Received comments on the Yellowstone wolf issue and correspondence from the Montana Sportsman Alliance concerning the number of out of state and bow hunting permits that are issued in the Missouri Breaks, would like them increased.

#### **4. Director's Report**

Jeff Hagener, Director reported the Bison transfer took place, spent a lot of time negotiating the Memorandum of Understanding (MOU); made sure everything was in place prior to transfer; had discussions with the Plaintiffs to explain the transfer. Tom Flowers was selected as the new Region 6 Supervisor. Parks and Recreation Board have met; going to be a learning process of what their role is; will have an overlap meeting with the FW Commission to discuss issues; main issue is state trust lands. The Tribal Hunting Meeting took place in Missoula; subcommittees were formed to resolve long time issues. Receiving correspondence regarding the wolf issue in Yellowstone. On September 16, going to tour Lost River Wildlife Management Area (WMA) with Commission Stuker and meet with surrounding land owners to discuss short and long term goals. Tri-State meeting was very productive; a lot of discussion on Yellowstone grizzly bears being delisted, Idaho expressed concerned about Montana moving forward with the Northern Continental Divide Ecosystem; discussed wolverine issue and the proposed delisting, looking at a strategy to respond back to the Fish and Wildlife Service (FWS); major discussion on license fees. A lot of discussion on the suppression issue with the Confederate Salish and Kootenai Tribes (CSKT) and what they are proposing; and the FWS Intake Structure and the impact on the pallid sturgeon.

Commissioner Stuker asked what the damage hunts were for.

Chairman Vermillion stated in his Region the hunt was for whitetail does.

Commissioner Wolfe stated in Region 1 the hunt was for whitetail does and Region 2 depending on which hunt, it was either for whitetail does or cow elk.

#### **5. Water Supply Update**

Bruce Rich, Fisheries Administrator explained temperatures are improving with day length shortening and the nights are longer and cooler; flows are still significantly low. Clark Fork hoot owl restrictions were rescinded. Appreciative of irrigators working with the Department in helping getting the aquatic fish community through the summer.

#### **6. Future Fisheries Improvement Projects - Summer 2013 Funding Cycle – Final**

Bruce Rich, Fisheries Administrator explained the Future Fisheries Improvement Program provides funds for projects that restore fishery habitats in streams, rivers and lakes for the benefit of wild fisheries. Applications are reviewed twice each year by a 14-member citizen panel appointed by the Governor and the panel's recommendations are forwarded to the FW Commission every 6 months for consideration and approval. For the summer 2013 funding cycle, the Citizen Panel recommends funding 4 of 6 submitted proposals at a program cost of \$155,550; matching funds or in-kind contributions from outside sources total \$255,099. The public is informed about program funding opportunities via news releases, a public meeting and information posted on FWP's website. The Future Fisheries

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Citizen Panel conducted a public meeting to review applications, discuss proposed projects with applicants in attendance, and receive public comment; one comment was received supporting the proposed Redwater River project. An Environmental Assessment (EA) was prepared for each project recommended for funding. One person commented that they are not opposed to the project but as a water user this person wanted assurance that the project would not adversely affect his water rights. Two alternatives to consider: Alternative A: The Commission could approve the funding recommendations submitted by the Panel and prioritized by the ranking committee. This would provide funds to assist in the completion of projects that will improve habitat for wild fish populations. Alternative B: The Commission could disapprove or modify the recommendations of the Citizen Panel. This could include removing the Ten Mile Creek fish passage project from the list of projects approved for funding. Under this alternative applicants would need to seek funding from another source or discontinue the projects that would have otherwise benefited wild fish populations. Completion of these projects would benefit wild fish populations. FWP would retain the ability to cancel the Ten Mile Creek fish passage project if water rights issues remain unresolved.

Future Fisheries Improvement Program (License dollars):

PROJECT #	PROJECT NAME	PROGRAM COST	FINAL RANK
023-13	Redwater River culvert fish passage	\$100,000.00	1
019-13	Brazier Creek channel stabilization	\$10,700.00	2
024-13	Tenmile Creek diversion repair	\$32,350.00	3
018-13	Big Hole River diversion repair	\$12,500.00	4

Rankings are based on: 1) benefits to native fish; 2) public benefits; 3) importance of the water body; 4) long-term effectiveness; 5) benefits relative to cost; and 6) cost share.

***Action: Commissioner Stuker moved and Commissioner Wolfe seconded the motion to approve the Future Fisheries Citizen Panel funding recommendations for the Summer 2013 funding cycle of the Future Fisheries Improvement Program.***

Chairman Vermillion asked for public comment.

Commissioner Wolfe asked where the FWP funding comes from.

Mark Lere, Habitat Restoration Program Officer explained the funding comes from two different sources: earmark license dollars (\$.50 resident and \$1.00 non-resident fishing license) and interest from the Resource Indemnity Trust Fund (RIT), which represents eighty percent of the program funding and earmarked specifically with new legislation, to benefit native fish species.

Chairman Vermillion asked why the number of applications were lower than previous years and has the amount of funding available for the grants been reduced.

Lere explained this was the smallest number of applications received for a funding cycle; unsure of why. The funding has not changed from years past.

Commissioner Wetsit asked how many projects are able to be funded this year.

Lere explained it depends on how many applications are received in the next three funding cycles.

Commissioner Stuker asked if there is money left in the fund at the end of the cycle year, what happens to it.

Lere stated it rolls over for the next fiscal year.

Chairman Vermillion asked the Department to do more outreach.

Rich stated the Department has been and will continue to watch; if able to detect an issue, will address the issue. Usually have more applications than can be funded.

Chairman Vermillion asked what the reason was for the two projects not being funded.

Lere explained the review panel felt the landowner of one project was not putting any funding into the project and the other project, the panel felt that additional work would need to be done to resolve the problem.

***Action on Motion: Motion Carried***

## 7. 2013 Late Season Migratory Bird Regulations – Final

George Pauley, Wildlife Management Section Chief explained late season migratory bird hunting regulations pertain to ducks, geese, swans, and coots. Montana participates in both the Central and Pacific flyways and adheres to federal frameworks established by the U. S. Fish and Wildlife Service (FWS) in cooperation with flyway councils. Frameworks are based on population status from winter surveys for geese and May population and habitat surveys for ducks. Duck seasons use an adaptive harvest approach with 3 specific regulation packages: restrictive, moderate and liberal. Habitat conditions and population numbers are favorable to the extent that liberal season frameworks are available for Montana to implement in 2013. A split season for Central Flyway geese was in effect last year. For 2013, FWP proposes a late season split in both flyways. The daily bag limit for white geese in the Pacific Flyway is proposed to increase from 10 to 20. Final federal frameworks allow a 2-bird daily bag limit for canvasbacks in both flyways. A moderate season framework with an 86-day season and a daily bag limit of 3 has been adopted for scaup in the Pacific Flyway, with a full-season 3-scaup daily bag in the Central Flyway. The FWS recently approved a change to allow possession limits to be 3 times the daily bag limit for all species that currently have a 2 times possession limit. FWP proposes changing possession limits accordingly.

### Central Flyway

Youth Waterfowl Season: September 21 - 22 (2 days – limits below apply).

Duck, Coot and Tundra Swan (500 permits only) Season: September 28 – January 2 (97 days).

Ducks: Daily bag limit shall be 6 ducks or mergansers, possession limit 3 times daily limit. Daily bag limit shall not include more than 5 mallards no more than 2 of which may be hens, 3 scaup, 2 redheads, 2 hooded mergansers, 3 wood ducks, 2 pintails, and 2 canvasbacks.

Coots: 15 daily, possession limit 3 times the daily limit.

Goose Season: September 28 – January 5 and January 10 - 14 (105 days); closed January 6-9.

Geese: Dark - 5 daily, possession limit 3 times the daily limit; White - 20 daily, possession limit 3 times the daily limit.

Falconry: Ducks and coots: September 21 – January 5; Geese: September 28 – January 5 and January 10 - 14 (105 days); closed January 6 - 9.

### Pacific Flyway

Youth Waterfowl Season: September 21 - 22 (2 days – limits below apply).

Ducks and coots (excluding scaup): September 28 – January 5 and January 10 - 14 (105 days); closed January 6 - 9; Scaup: September 28 - December 22.

Ducks: Daily bag limit shall be 7 ducks or mergansers, possession limit 3 times the daily limit. Daily bag limit shall not include more than 3 scaup, 2 hen mallards, 2 pintails, 2 redheads, and 2 canvasbacks.

Coots: 25 daily and in possession.

Goose season: September 28 – January 5 and January 10 - 14 (105 days); closed January 6 - 9.

Geese: Dark - 4 daily, possession limit 3 times the daily limit; White -20 daily, possession limit 3 times the daily limit.

Swan (500 permits only) Season: October 12 – December 1.

Falconry: September 28 – January 5 and January 10 -14 (105 days); closed January 6 – 9.

***Action: Commissioner Tourtlotte moved and Commissioner Wetsit seconded the motion that the Commission adopt the 2013 late season migratory bird regulations as presented by FWP.***

Commissioner Stuker questioned the white goose season in the Central Flyway.

Pauley explained the federal frameworks changed to 3 times daily bag limit this year and last year the limit was increased to 20.

Commissioner Wolfe asked about the waterfowl season being extending into late January.

Pauley explained last year it was proposed for a more aggressive split with various splits and extended later in the year; received a lot of comments from hunters in northern Montana who hunt ducks during early season; only allowed two season segments.

Chairman Vermillion stated the Department needs to examine what the process would be to do a north/south split in the flyway. The current season does not fit the conditions on the ground; directed the Department to explore other options.

Commissioner Stuker stated there should be a way to start negotiations on having more splits in the season or split the state. Hopes the Department tries to come up with a solution.

Commissioner Tourtlotte stated next year wants to focus on options to extend the goose season on the Yellowstone corridor to stay open through January.

Chairman Vermillion requested at the January meeting, the Department give a presentation on different options and the process that is required to enact those options on the federal and state level.

Commission Stuker and Commissioner Tourtlotte agreed with Chairman Vermillion's request.

***Action on Motion: Motion Carried.***

#### **8. CSKT Waterfowl Regulations – Final**

George Pauley, Wildlife Management Section Chief explained the CSKT and the State of Montana have entered into a positive, cooperative management agreement on the Flathead Reservation that provides for presentation and approval of Tribal bird season frameworks. Regional FWP staff is included in the development of Tribal waterfowl regulations, which are set within federal frameworks in the Pacific Flyway. Tribal recommendations are first presented to the Flathead Reservation Fish and Wildlife Board; the board votes on tentative proposals and opens them to general public review and comment and then meets for final adoption and presented to the CSKT Council. The FW Commission endorsement is subject to final Tribal Council approval. The CSKT process includes public comment. The significant differences between these Tribal regulations and the current or proposed FWP waterfowl regulations are: Tribal shooting hours are sunrise to sunset for all game birds and a requirement that only non-toxic shot be used for all game birds on the Flathead Indian Reservation.

***Action: Commissioner Wolfe moved and Commissioner Stuker seconded the motion that the Fish and Wildlife Commission endorse the Confederated Salish and Kootenai Tribes waterfowl regulations as presented and subject to final Tribal Council approval.***

***Action on Motion: Motion Carried.***

#### **9. Bighorn Sheep Research Capture and Removal – Final**

George Pauley, Wildlife Management Section Chief explained bighorn sheep populations, once estimated at 2,000,000 animals, have now been reduced to approximately 70,000 animals in the wild. Several factors have contributed to this decline including historical overharvest, habitat loss due to human settlement, and disease epizootics. The most important disease of bighorn sheep in the past couple of decades has been pneumonia. Multi-bacterial pneumonia has been responsible for 75-90 percent mortality in affected herds all over North America. This project has Dr. Subramaniam Srikumaran of the College of Veterinary Medicine at Washington State University as the principal investigator. Investigators expect to develop a model for transmission of pneumonia in bighorn sheep, especially the transmission to lambs in a herd, and hope to demonstrate that recovered animals are the main sources of pneumonia infection for bighorn lambs. The study will use recovered animals from three different pneumonic herds held in captivity in separate groups and sampled to determine shedding of pneumonia pathogens. Each group will then be commingled with naïve pregnant ewes. These ewes, and lambs born to them, will be sampled regularly to determine transmission of pneumonia pathogens from carriers to ewes and lambs, which will be confirmed through strain-typing. Lambs that have acquired the pathogens from carriers will be monitored for status of pneumonia and survival. Findings will have long-term impact on disease management and conservation in all big game populations not only in North



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America, but all over the world. This study will provide new information to wildlife managers and veterinarians to design better strategies for prevention of lamb mortality. The specific action proposed here is to allow the winter 2013-14 research capture and removal to a Wyoming facility of four-six adult animals from Region 2 for this disease investigation. Public comment was limited to comments taken at the August 8 Commission meeting.

**Action:** *Commissioner Stuker moved and Chairman Vermillion seconded the motion the Fish and Wildlife Commission endorse the 2013-14 research capture and removal of four-six adult bighorn sheep from Region 2 as presented by FWP.*

Commissioner Wolfe asked about the investigator and his credentials.

Pauley explained the Washington State University and Dr. Srikumaran have been involved in big horn sheep research for decades; a lot of depth into the program.

Chairman Vermillion stated he supports any research to figure a way to lessen the impact of the disease and disease transmission of the sheep.

Chairman Vermillion asked for public comment.

Commissioner Stuker stated he strongly supports the research.

**Action on Motion:** *Motion Carried.*

#### **10. Partial Assignment of Sourdough Creek Conservation Easement – Final**

Hugh Zackheim, Lands Program Manager explained the Sourdough Creek Conservation Easement (CE) was donated to FWP in 1980 by Robert Seise and covers 230 acres in the foothills of the Gallatin Mountain Range. In addition to habitat conservation, the CE provides for a parking area for the popular Mystic Lake trailhead. During recent years the Gallatin Valley Land Trust (GVLT), Forest Service (FS) and Gallatin County have conducted significant improvements to the trailhead area to restore the Bozeman Creek floodplain and improve recreational access. As part of the parking-area development at the site, ownership of a 1.3-acre parcel covered by the CE was donated by the Sourdough Creek landowner to GVLT. FWP now proposes to assign this 1.3-acre parcel to GVLT who would in turn donate the underlying land, and assign this portion of the easement, to the FS. The purposes of this proposed action is to remove FWP from oversight of 1.3 acres of the Mystic Lake trailhead parking lot; to facilitate the transfer of an additional five acres at the site from the GVLT to the FS; and to provide for unified ownership and management of the trailhead area. The remaining 229 acres of the Sourdough Creek CE will continue to be administered by FWP for the purposes of habitat conservation and open-space preservation. The proposed action will have no effect on the management of this acreage. On July 18, 2013, FWP released an environmental assessment (EA), describing the proposed action and reviewing its environmental impacts. During the 30-day comment period, 5 comments were received; 2 were neutral and 3 were in support of the proposed action (City of Bozeman, the Bridger Ski Foundation and the Bozeman Water Treatment Plant).

**Action:** *Commissioner Vermillion moved and Commissioner Wolfe seconded the motion that the Department undertake the Partial Assignment of the Sourdough Creek Conservation Easement, in the manner described as the proposed action in the environmental*

***assessment.***

Commissioner Wolfe stated he is pleased with the Department and Montana's Land Trust working together to protect habitat; thanked Montana's Land Trust community for doing great work.

**11. Public Comment – For Issues Not On This Agenda**

Commissioner Stuker stated during last month's training it was strongly suggested to look at FW Commission policies and procedures; is it something that should be pursued.

Commissioner Wolfe agreed with Commissioner Stuker's statement. Need specific guidelines and policies on how the Commission operates; suggests putting something together in the next couple years.

Marc Cooke, Wolves of the Rockies, encourages the Commission and FWP implement a mechanism for the non-consumptive wildlife watcher to have a fund to help manage the wildlife in Montana; would ease the pressure for declining hunting and fishing revenue from licenses dollars. It is critical that the consumptive and non-consumptive wildlife enthusiasts have a representation process within FWP. Requesting the Commission to lower the quota in WMU 313 from 5 to 4; stated FWP is clearly targeting the revenue producing wolves; encourages the Commission to send a message to non-consumptive wildlife enthusiasts that the Commission is not afraid of making a tough but correct decisions.

Commission Stuker stated he thought WMU 313's quota is at 4.

Chairman Vermillion stated WMU 313's quota is at 4 and WMU 316's quota is at 3.

***Action: Commissioner Stuker moved and Commissioner Vermillion seconded the motion to adjourn the meeting. Motion Carried.***

**The meeting adjourned at 9:50a.m.**

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Dan Vermillion, Chairman

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M. Jeff Hagener, Director